

Application No. 09/537,118



Docket No.: R2184.0097/P097

Docket No.: N9810.0007/P007
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Harry A. Dugger, III

Application No.: 09/537,118

Confirmation No.: 7521

Filed: March 29, 2000

Art Unit: 1616

For: BUCCAL, POLAR AND NON-POLAR
SPRAY OR CAPSULE

Examiner: M. Haghigian

**PETITION TO WITHDRAW APPLICATION FROM
ISSUE PURSUANT TO 37 CFR §1.313 (c)(2)**

MS 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner hereby petitions the Commissioner to withdraw the above-identified application from issue. Withdrawal from issue of the above-identified application is requested to permit consideration of the Request for Continued Examination (RCE) that was filed in the above-identified application on November 16, 2005 and the Information Disclosure Statement (IDS) submitted therewith.

Petitioner notes that an RCE with an IDS was filed in the above-identified application on November 16, 2005. A Notice of Allowance was subsequently mailed on **02/23/2006 MDAMTE1 00000086 041073 09537118**
02 FC:1464 130.00 DA November 18, 2005. It appears, however, that the RCE and IDS were not considered. Accordingly, Petitioner submits that the above identified application should be withdrawn from issue and the November 16, 2005 RCE and IDS should be considered. Applicant

further submits because the November 16, 2005 RCE was timely filed, that that no additional fees are due.

If the November 16, 2005 RCE and IDS are deemed improper and are not considered, Petitioner requests that the above identified application be withdrawn from issue to permit consideration of the accompanying submission under 37 CFR §1.114 (RCE) with an IDS. In such case, Petitioner authorizes the Director to charge our Credit Card in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h). Credit Card Payment Form SB-2038 with a signature from an authorized cardholder is enclosed and includes the petition fee.

The Director is authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 04-1073, under Order No. N9810.0007/P007. A duplicate copy of this paper is enclosed. Withdrawal from issue of the above-identified application, by grant of this Petition and consideration of the November 16, 2005 RCE and IDS, or the accompanying IDS submission under the presently submitted RCE respectfully are requested.

Dated: February 21, 2006

Respectfully submitted,

By 
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